

## **DETAILED ACTION**

**This action is being submitted to correct the listing of claims under rejection in the 102 rejection in the office action mailed 5/13/08. Claims 1-20 are under rejection.**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The phrase X in said concentrate does not exceed the value  $n \cdot 1\%$ , where  $1 < n < 40$  is unclear. It appears that "1" is the numerical equivalent to one, yet applicant is assigning "1" a different numerical value.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bertelli et al, US Patent No. 4,710,528.

Bertelli et al discloses a polymeric composition comprising 68-98.9% of a thermoplastic polymer that may be a polyolefin, 0.1 to 10% of a bismuth compound including (bismuth phosphate), 0-1% of a free radical promoter and 1-30% of melamine bromohydrate. Because the phosphates are inorganic and are used in an amount ranging from 0.1 to 10% of the composition, the patented invention reads directly on the invention of applicant's claims 13 and 14. See the abstract, col. 1, line 35 through col. 2, line 12, and the claims .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kriellion A. Sanders/

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